**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 517 (S/B) 2002

Hukam Singh Rana S/o Sri Teg Singh Rana
R/o Forest Colony, Upper Yamuna Forest Division,
Sistt. Uttarkashi. ……Petitioner

Vs.

Divisional Forest Office,
Upper Yamuna Forest Division Barkot,
Distt. Uttarkashi and one another. …….Respondents

Mr. Manoj Tiwari, Advocate, for the Petitioner,
Sri K.P. Upadhayaya, Advocate, for the respondents.

**Coram: Hon. S.H.Kapadia, C.J.**
**Hon. Rajesh Tandon, J.**

Date: 25.08.2003

**ORAL JUDGMENT[Per Hon S.H.Kapdia, C.J.)**

Rule

Respondents waive service.

In 1983, the petitioner was appointed as a Cleaner. From April 1994, he has been discharging the duties as a jeep driver. However, no salary or other benefits were paid to him for the post of jeep- driver despite several representations. The post of jeep driver fell vacant in the year 2000 in Upper Yamuna Forest Division and a selection committee was constituted by the respondent no. 1 i.e. Divisional Forest Officer. Pursuant to the recommendations of the Select Committee, the petitioner was promoted as Jeep driver in the scale of 3050-4590/- vide order dated 21.7.2001.

It is the case of the petitioner that he stood promoted by this order. It is the case of the respondent no.2 that the order dated 21.7.2001 was stop gap order; that it was an ad hoc order and, therefore, by the impugned order, the petitioner was liable tobe reverted.

We have gone through the order dated 21.7.2001. Firstly, there is no denial that the petitioner was promoted pursuant to the recommendation of the select committee. Secondly, in the order dated 21.7.2001, there is nothing to indicate that the promotion has been made on ad hoc basis. On the contrary, the order dated 21.7.20001 indicates that the petitioner was put on probation. Thirdly, the petitioner was working as jeep driver since 1994. Fourthly, there is nothing to indicate

that the petitioner does no possess requisite experience to work as a jeep driver.

In the above circumstances, the writ petition is allowed in terms of prayer clause A and B. However, the petitioner would be entitled to salary for the post of jeep driver w.e.f. 1.8.2003.

No order as to costs.

**(Rajesh Tandon, J.)** **(S.H. Kapadia, C.J.)**

**AK:**